IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4866 of 1997

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MAKWANA MAHESHKUMAR KALIDAS & 11 - Petitioner(s)

Versus

O N G C LTD. & 3 - Respondent(s)

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Appearance :

MR KS ACHARYA for Petitioner No(s).: 1,2,3,4, 5,6,7,8,9,10,11,12.

MR MAHENDRA K PATEL for Petitioner No(s).: 1,2,3,4, 5,6,7,8,9,10,11,12.

MR KUNAL NAIK for M/S TRIVEDI & GUPTA for Respondent No(s).: 1,2.

RULE NOT RECD BACK for Respondent No(s).: 3,4.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 11/08/2005

ORAL JUDGMENT

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1. The petitioners by way of this petition have prayed for the following reliefs :-

(A) Asking the respondents O.N.G.C., to absorb the petitioners in the O.N.G.C., from the respective dates of their joining, giving them all the benefits as are given to the regular employees of the O.N.G.C., from the respective dates of their joining.

(B) Asking the respondents O.N.G.C., to treat the petitioners O.N.G.C., service as the contract labour has been prohibited by the Government by Notification under Contract Abolition Act.

(C) Asking the respondents to treat Bharatbhai Maganbhai Waghela, Babubhai Chamanbhai Solanki, Prahladbhai Maganbhai Waghela and Manubhai Mohanbhai Waghela, who were engaged by O.N.G.C., prior to the contract in the O.N.G.C., should be treaed as O.N.G.C., employees from the date on which O.N.G.C., engaged them and pay wages and all other benefits by absorbing them in the regular employment.

(D) Asking the respondents to make the payment of Bonus, Provident Fund, and minimum wages as required to be paid under the Act and under Article 21 of the Constitution of India

(E) .....

2. I have heard the learned counsel for the parties and have perused the materials produced on record. The issue involved in this petition is squarely covered by the decision of the Apex Court in the case of **Steel Authority of India Ltd., & Ors., v. National Union**

WaterFront Workers & Ors., reported in 2001 (1) S.C.C. p. 1. The reliefs claimed by the petitioners cannot be granted by this Court. The appropriate remedy available to the petitioners is to prefer an application before the Labour Court.

3. In above view of the matter, the petitioners shall be at liberty to prefer an application before the Labour Court. Such application to be preferred within a period of two months from today. On receipt of such application from the petitioners, the appropriate forum is directed to consider and dispose of the same, as expeditiously as possible and preferably within a period of two years from the date of making such application.

4. With the above observations, the petition stands disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

[K.S. JHAVERI, J.]

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